

REMARKS

Claims 1-3, 5, 6 and 9-14 are pending. Claims 4, 7 and 8 have been canceled.

Applicants thank the Examiner for recognizing that claims 3, 5, 6, 9, 10 and 14 contain allowable subject matter.

Enclosed with these remarks is a Declaration under 37 C.F.R. §1.131 by Yusuke Igarashi, an inventor named in the pending application. The Declaration is dated January 12, 2006 and includes eight exhibits.

Claims 1, 2 and 11-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,767,767 (Hayashida et al.) in view of U.S. Patent No. 5,924,190 (Lee et al.). The front page of the Hayashida et al. patent identifies a U.S. filing date of July 16, 2002, which is less than three months earlier than the priority date of the pending application (September 27, 2002).

The enclosed Declaration establishes that the subject matter of claims 1, 2 and 11-13 was conceived by Yusuke Igarashi before the filing date of the Hayashida et al. patent (July 16, 2002) and that he and his co-inventors diligently pursued reducing the subject matter of those claims to practice by filing a Japanese Patent Application on September 27, 2002, less than three months later.

In view of the enclosed Declaration and attached exhibits, Applicants submit that the Hayashida et al. patent is not prior art with respect to claims 1, 2 and 11-13 and that, therefore, the rejections of those claims should be withdrawn.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as

Applicant : Noriyasu Sakai et al.
Serial No. : 10/667,681
Filed : September 22, 2003
Page : 6 of 6

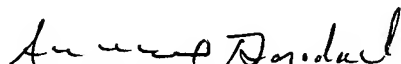
Attorney's Docket No.: 14225-022001 / F1030476US00

an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Enclosed is a \$1,020 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 1/20/06



Samuel Borodach
Reg. No. 38,388

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

30264182.doc